

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

U.S. DISTRICT COURT

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JEFFREY W. KUSMICK, :

2010 JUN 24 AM 10:13

Plaintiff, :

Action No. 10-2596 (FSH)

-against- :

ANSWER AND JURY DEMAND

KARIM ARZADI, ESQ., FISBO OF NEW :
JERSEY, L.L.C., WAYLAND ENG, SHEAN :
CHANG WANG, :

Defendants.

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Defendant, SHEAN CHANG WANG, ("Defendant"), pro se, answers the complaint (the "Complaint") of Plaintiff, JEFFREY W. KUSMICK, as follows:

1. Defendant denies the allegations of Count I paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

2. The Complaint fails to state a cause of action.

SECOND AFFIRMATIVE DEFENSE

3. The architectural designs, drawings, and services allegedly copied lack sufficient originality to be copyrightable.

THIRD AFFIRMATIVE DEFENSE

4. Plaintiff is not entitled to attorneys' fees or statutory damages because the alleged infringement occurred prior to any registration of the plaintiff's alleged copyright of its pattern.

FOURTH AFFIRMATIVE DEFENSE

5. Plaintiff has no valid copyright in the allegedly infringed design.

FIFTH AFFIRMATIVE DEFENSE

6. Plaintiff's action is barred in part or in its entirety by the applicable statute of limitations.

SIXTH AFFIRMATIVE DEFENSE

7. Plaintiff's claim for injunctive relief is barred by the doctrine of mootness.

SEVENTH AFFIRMATIVE DEFENSE

8. Plaintiff is barred from asserting an infringement claim against defendant because plaintiff granted a license to defendant to use the allegedly infringed design.

EIGHTH AFFIRMATIVE DEFENSE

9. Plaintiff acquiesced in Defendants use of the allegedly infringing design. Plaintiff is therefore barred by the doctrine of estoppel from asserting any claim against Defendants in connection therewith.

NINTH AFFIRMATIVE DEFENSE

10. Plaintiff's action is barred by the doctrine of laches.

TENTH AFFIRMATIVE DEFENSE


Plaintiff's action is barred by the doctrine of abandonment.

WHEREFORE, Defendant respectfully requests that:

- (a) Plaintiff take nothing by way of its Complaint;
- (b) The Court dismiss Plaintiff's Complaint in its entirety with prejudice;
- (c) Defendant be awarded its costs and fees in this action pursuant to 17 U.S.C. § 505; and
- (d) The Court award Defendant any other relief it deems just and proper.

Dated: Perth Amboy, New Jersey
June 23, 2010

DEFENDANT SHEAN CHANG WANG
PRO SE




DEFENDANT SHEAN CHANGE WANG, PRO
SE
5 WRIGHT PLACE
PRINCETON JUNCTION, NJ 08550
732-715-9896

DEMAND FOR A JURY TRIAL

Please take notice that Defendant demands a jury trial in
this action.

Dated: Princeton Junction, New Jersey
June 23, 2010

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PRO SE



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